

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

HEARING OFFICER DIRECTIVE

DOCKET NO. 2019-281-S ORDER NO. 2020-59-H

JUNE 26, 2020

Hearing Officer: David Butler

DOCKET DESCRIPTION:

Application of Palmetto Utilities, Incorporated for Adjustment (Increase) of Rates and Charges, Terms and Conditions, for Sewer Service Provided to Customers in Its Richland and Kershaw County Service Areas

MATTER UNDER CONSIDERATION:

Objection to Report of Stipulations for Prehearing Conference

HEARING OFFICER'S ACTION:

Objection overruled.

Palmetto Utilities, Inc. ("PUI" or "the Utility") objected to a portion of the Report of Stipulations issued by the Public Service Commission of South Carolina regarding the prehearing conference held in this matter on June 19, 2020. (An Amended Report of Stipulations was actually issued shortly after the original Report, but the Amended Report corrected a scrivener's error and added the name of one witness. Therefore, the Amended Report, other than the matters stated above, was substantially identical to the original Report of Stipulations. References to "the Report" herein will therefore refer to both the original Report of Stipulations and the Amended Report of Stipulations.)

The basis for PUI's objection was that the Report was incomplete with regard to its discussion of settlement of this proceeding. According to the objection, the Report did not "reflect the fact that Counsel for the Office of Regulatory Staff ("ORS"), in response to the Hearing Officer's question regarding settlement, stated that ORS was not willing to engage in settlement discussions and that counsel for PUI stated in reply that the Applicant was willing to engage in settlement discussions." PUI requests that the Report of Stipulations be revised to reflect the foregoing matter.

As pointed out by the response of ORS, PUI's characterization of the exchange with this Hearing Officer is not completely accurate. The transcript of the exchange reflects that Counsel for the Office of Regulatory Staff stated that ORS was "not really pursuing a settlement at this time." (emphasis added). PUI did state that it had expressed an interest in trying to have some settlement discussions, even though ORS counsel had not at the time of the Prehearing Conference. However, the conclusion in the Report was accurate, when it stated that "The potential for settlement of the case was discussed. The parties have not

thus far reached any settlement agreements.” It is noteworthy that the transcript indicates that Mr. Nelson did not completely rule out settlement discussions, since he qualified his remarks with “at this time.”

Therefore, there are no grounds for revising the Report, since the characterization of the discussion of the parties’ positions was accurate. Objection overruled. Request for Revision denied.

(On a side note, the Hearing Officer agrees with the additional information presented by ORS in its Response to PUI’s objection that the surrebuttal testimony of Ms. Hipp prefiled in the case proposed an alternative position in the case. Also, I agree that Ms. Levine asked during the prehearing conference if she could identify those witnesses that she intended to cross-examine by Tuesday, June 23, 2020. She did actually comply with that request by sending an e-mail on June 22, 2020. Although I do not believe that this information needs to be added to the Report, I agree with these facts as presented.) This ends the Hearing Officer Directive.